

**MINUTES**  
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**BOARD OF SELECTMEN**  
**MONDAY, JANUARY 30, 2006**  
**REGULAR SESSION**  
**SELECTMEN'S MEETING ROOM, TOWN HALL**  
**7:00 PM**

**Call to Order**

A regular meeting of the Board of Selectmen was called to order in open session at 7:00 PM in the Selectmen's Room of Town Hall. All members were present. Town Administrator Tom Younger and Assistant Town Administrator Jeff Conti were also present.

**Questions from Town Residents**

There were no questions.

**Action by Appointment**

*Discussion of Waverley Trails Group*

Members of the Waverly Trail Advisory Group appeared before the Board: Jim Levitt (Chair), Adam Tocci, Kathleen Haverty, David Johnson.

Mr. Levitt told the Board of Selectmen that the Waverley Oaks used to be world famous – Longfellow had his portrait painted under them. They were thought to be older than the English settlements. Charles Eliot proposed to the Legislature a private association to protect the land. This idea gained support in the 1890s and the Legislature gave the organization a charter making it the first land trust in the world. This then became the Metropolitan District Commission in 1893. Now there is virtually nothing left to remind you of the historical importance of this area. We propose in a modest, tasteful way to put up an interpretive trail that goes from Waverley Square to Beaver Brook reservation. There are white oaks there today which are descendants of the original Waverley Oaks.

We have collected \$32,000 in pledges and more are imminent, so we will have enough money to do this the right way. None of the capital expenses will come from the Town. The Town will participate in the maintenance of the kiosks which will be designed to be as low maintenance as possible.

Mr. Tocci reported that three major corporate donors have agreed to sponsor the three kiosks: Engine 1 for the kiosk next to their building, the former Waverley fire station; Joe DeStefano for the one in Waverley Square, and Waverley Landscape (Mr. Tocci's

company) for the one in Waverley Oaks Park. Wheelworks and Belmont Savings Bank, Century 21, Dunkin Donuts, and others have also donated.

Mr. Johnson added that the group will put up banners featuring the white oak in silhouette that will be visible from Trapelo Road. Ms. Haverty noted that the group is meeting with the principal of the Butler School to see how we can involve the children of the area in the project and teach them about the history of this place.

The Board expressed its wholehearted approval of the project and felt it was a very valuable endeavor for the Town. The Board commended the group for its efforts.

Mr. Levitt stated that the group hopes to have the work done sometime in the spring or early summer.

#### *Discussion of Purecoat North (PN)*

The Board noted that it had hoped Purecoat Committee Chair Noah Sachs would be able to be here but he could not. In lieu of the anticipated discussion, Selectman Brownsberger briefly recapped recent developments. PN has tried to counter the Board of Health's lawsuit by suggesting the environmental issues arise from the former dump site at the High School. This will not deter us or cause us to back down – if there are legitimate issues regarding the dump site they will be addressed. We need to move forward with testing for off-site contamination, which we held off on in case PN could be convinced to pay for it, but that does not now seem likely.

Selectman Firenze stated that he is not comfortable yet with how to move forward on this and would like to hear from the Committee to get educated on this and get more information.

The Board agreed that it would like to meet with the Committee – next week if possible - and also have the advice of Town Counsel. It also noted that Mr. Sachs is himself an environmental attorney.

#### **Action by Consent**

##### *Approval of BOS Meeting Minutes (01/09/06)*

The Board moved: to approve the Board of Selectmen's meeting minutes from 01/09/2006.

The motion carried unanimously (3-0).

##### *Application for Licenses and Permit – Renewals*

###### *Victualler License*

*Asillem, LLC DBA Stone Hearth Pizza Co., 57 Leonard Street*

*Derby Dessert Co. Inc DBA TCBY, 59A Leonard Street*

*Nick's Place II, 6 Channing Road*  
*T&M Belmont Foods Inc. DBA Theo's Pizzeria's & Grill, 389 Trapelo Road*  
*Livery License*  
*Bowtie Limousine, Inc, 59 Bay State Road*

The Board moved: to approve all license renewal applications and operating hours change (as requested) for the businesses listed below:

Asillem, LLC DBA Stone Hearth Pizza Co., 57 Leonard Street  
Derby Dessert Co. Inc DBA TCBY, 59A Leonard Street  
Nick's Place II, 6 Channing Road  
T&M Belmont Foods Inc. DBA Theo's Pizzeria's & Grill, 389 Trapelo Road  
Bowtie Limousine, Inc, 59 Bay State Road

The motion carried unanimously (3-0).

### **Action by Writing**

#### *Approval of Woodfall Road Land Transaction Term Sheet*

Selectman Firenze reported that the Board has received a document from the Belmont Country Club tying the term sheet we had agreed upon to a legal agreement between the country club and the Town.

The Board noted that the document contains a great many typos.

The Board moved: to sign the term sheet document and authorize the Town Administrator to make any non-substantive corrections that are necessary.

The motion was carried unanimously (3-0).

### **Other**

The Board discussed a dock on Little Pond that burned in a fire and the need to demolish it and replace it with a durable structure. There is some interest among the neighbors which the state's Department of Conservation and Recreation (DCR) does not seem to be aware of. The Board asked Community Development Director Glenn Clancy to get involved and provide advice regarding the financial aspect of the project. Mr. Clancy agreed to consult with DCR to see if they have any standards for such structures.

The Board discussed the MBTA's 78 bus line which begins in Arlington Heights and goes to Harvard Square via Blanchard Road. The T is looking to reduce the number of trips on this line as part of a wider effort to adjust its bus service. The T has said ridership has declined. It is also one of the more costly lines to run. Some residents are concerned about any decrease in service. The Board noted in this context that the T has invited

someone from Belmont to serve on its Advisory Board. Mr. Younger noted that the Advisory Board invitation is on the agenda for the next meeting.

Selectman Brownsberger said he is troubled by the cut in service. Selectman Firenze suggested that if we can increase the ridership, that will be the most effective way to address this.

The Board moved: to have the Town Administrator communicate with Arlington and Cambridge to write a letter to the MBTA expressing his concern and offering to work with the T to increase ridership.

The motion was carried unanimously (3-0).

### **Action by Appointment**

#### *Public Hearing on Utility Petition - Keyspan Petition for Pleasant Street*

Keyspan Representative Francis O'Leary appeared along with Community Development Director Glenn Clancy.

Mr. O'Leary stated that Keyspan is requesting permission to install gas main on Pleasant Street to provide heat, hot water and cooking to a resident at 37 Hay Road.

Mr. Clancy explained that the builder of the Hay Road property put in money for this. Keyspan was not able to do the work until this winter and we felt it was best to allow the work to go forward as soon as possible and then get the formal approval. So the work has in fact been done already.

The Board asked about bringing gas service to Snake Hill Road and whether this same main could be extended to do that. Mr. Clancy and Mr. O'Leary both agreed that it could not have been done at the time the work was being performed. The Board noted that many of the houses on Snake Hill are closer to the gas main than 37 Hay Road is. Mr. O'Leary said that when Keyspan's marketing people last looked at Snake Hill there were not enough people living there to justify the cost to Keyspan of doing the main. The extension for the Hay Road property is being paid for by the developer.

Selectman Firenze pointed out that because of the pipe Keyspan has just laid for Hay Road, they would now have to run 200 feet less to get to Snake Hill Road so the cost calculation should have changed. Mr. O'Leary asked that the homeowner on Snake Hill Road who is interested in hooking up to gas call Keyspan's marketing department and request this so that it can be looked at again.

Pleasant Street resident Arthur Wolfson noted that the sewer line will be run up Snake Hill in the near future and gas could be run also at that time since the road will have to be excavated anyway.

Mr. Clancy said that Keyspan is only going to pay for this work if they have a guaranteed customer base, and Mr. O'Leary agreed.

The Board moved: to have Mr. Clancy send a letter to the residents of Snake Hill Road explaining that if they are interested in hooking up to gas they should contact the Town by February 15, because once Pleasant Street construction is done Keyspan will not be able to do this because of a five-year moratorium on digging up the new road.

The motion was carried unanimously (3-0).

The Board moved: to approve Keyspan's petition for Pleasant Street.

The motion was carried unanimously (3-0).

#### *Discussion of Road Management Program*

Mr. Clancy began by recalling that the Board had asked if we could save some money by retaining some of the sidewalk on Bright Road. He has determined that if we can save 25% of the sidewalk on Bright Road, this would result in \$30,000 in savings. Mr. Clancy said that he thinks it can be done.

Mr. Clancy reported that MassHighway's project review committee has reviewed the Trapelo Road project and supports it. We are waiting for their documentation with the assigned project number which is what we need to go to the Metropolitan Planning Organization for inclusion of the project on the Transportation Improvement Plan. Mr. Clancy has asked BSC Group to go ahead with field survey work necessary to move forward.

Mr. Clancy also reported that Roads Corporation will move the Pleasant Street work across Concord Ave within the next week to two weeks. Selectman Firenze asked if the sub-surface work has all been done on the portion they have been working on, and if not, why not finish it before extending the area being worked on. Mr. Clancy answered that it is his understanding that it is predominantly the case that the sub-surface work has been completed but he will verify this. He has asked the engineer to give an accounting of what has been done and what is left to do. Roads feels confident they can begin the roadway work in the spring on the portion that has been under construction so far. From Concord Avenue to Shaw's driveway we think we will have roadway, sidewalks and curbing and the road topped by end of summer. The wild card is the widening portion of the project which could take a few more weeks to get approval for from all the necessary parties.

Mr. Clancy went on to say that for the roads program in general, a lot of things are falling into place. He has made a capital budget request for \$3 million. He needs to know how much money he will have to work with. Even \$2.5 million would allow the Town to

design and construct Washington and Cross Streets. The Bright Road intersection project is already funded and will begin construction in the spring. The rest of the money is needed for maintenance projects – Beech Street is a good example. It has not been worked on in 20 years. Concord Avenue has not been done since the mid- to late 80s.

There was discussion of doing a mill-and-overlay reconstruction this year on Concord Avenue rather than wait and have to do a full depth reconstruction the following year. This might save money in the long run though it would mean a greater capital cost this year. By spending a dollar now we might be able to save \$1.50 in the next year or two.

Selectman Brownsberger suggested holding a vote to raise taxes to fund a \$3 million Road Stabilization Account that would be used only for the pavement management program. Selectman Firenze stated he would be in favor of giving the voters this option but would not take a position on it. Chairman Solomon stated he would be in favor of such a proposition. This will be one of the items discussed by the Capital Planning Group (or Mega Group) in 4 weeks. Mr. Clancy said he is confident that the pavement management program could spend \$3 million effectively in one year. He also noted he is interviewing for a full time resident engineer to oversee exactly these types of projects. So the Town will have the personnel to handle this level of appropriation.

Selectman Brownsberger said that if we want to go to the voters with this in April, a decision has to be made in February. We could present this and then take the \$1 million that is already in the capital budget for roads and move it to the operating budget to reduce the budget gap. Combined with other measures like drawdowns from free cash and other reserve accounts, we could eliminate the \$1.7 million gap and would then not need to ask the voters for an operational override. The Board agreed it was interested to see how this would work and underlined that the money in the fund could never be spent on anything other than the roads. Doing this in the April election would save the cost of having a special election.

Selectman Firenze asked if this gives us enough time to make the case to the voters and explain what they are voting for. Mr. Clancy felt he could present the case for the pavement program effectively to the public in time for the April election.

Chairman Solomon noted that April 3 is Election Day. The ballot has to be set 35 days in advance. The Board agreed that the input of the Capital Budget Committee and Warrant Committee on this proposal is needed. We have a Warrant Committee meeting this Wednesday and a Capital Budget Committee meeting this Thursday and then a meeting on Saturday morning with the Warrant Committee and 2 members of the Capital Budget Committee present. Let us float this idea and get input.

The Board asked about the status of the street permitting process. Mr. Clancy responded that a draft document exists which better explains the process but it is thick and needs to be refined to present the right information to the different entities that will be reading it. We are anticipating a change in the bonding requirement to open a street. We are also

looking at having the Town take some of the responsibility to finish the road so we know it is being done to our standards. We are working with counsel on this.

The Board recessed for two minutes.

*Discussion of Business Sign Enforcement and After Hours Lighting*

Mr. Clancy explained that he wanted to bring this draft letter before the Board to raise public awareness – this will be mailed to all the businesses in town. Mr. Younger came to him with the idea that we should step up enforcement of this. Sandwich boards are multiplying, signs are being left on all night. It comes down to a question of: what do you want your community to look like? We put these regulations in place for a reason and it is Mr. Clancy's obligation to enforce them. So this will notify the business owners, give them a grace period and offer our services in explaining what needs to be done and how to do it.

The Board noted that this is not changing any by-laws, but rather just enforcing the by-laws that already exist. The Board then asked about political signs. Mr. Clancy said that counsel looked at this and came back with the answer that political signs are part of First Amendment rights and should not be regulated by the Town on private property. There was also discussion of the newsrack boxes and whether the fee for those could be increased.

The Board recommended that Mr. Clancy review his letter and make the tone softer and also make it clear in the letter that it is going to all business owners, not indicating someone is a violator.

Mr. Clancy stated he will be meeting with his staff to make sure everyone is clear on the interpretation of the by-law and the by-law is being applied consistently.

There was discussion of delegating to the Town Administrator the Board's authority to approve all sandwich boards, commercial or non-commercial, which would streamline the process. Selectman Firenze noted the importance of distinguishing between a permanent commercial sign and a temporary non-commercial sign. Mr. Clancy commented that there is also value to having a public process on this.

The Board moved: to delegate to the Town Administrator the authority to approve any temporary sign that does not require a hearing.

The motion was carried unanimously (3-0).

The Board suggested to Mr. Clancy that this action be added to his letter to indicate that we are trying to be business friendly.

The Board moved: to support Mr. Clancy's efforts of by-law enforcement and his letter to communicate this as amended.

The motion was carried unanimously (3-0).

*Process for Filling Planning Board Vacancy*

Planning Board member and Town Resident Deborah Emello has had to resign from the Planning Board for family reasons. The Board thanked her for her service and expressed its regret. Ms. Emello is resigning as of February 1 and she has recommended we fill this position before February 9.

The Board noted this is as important as any appointment the Board makes given the significance of the Planning Board's work. This is a board that works very hard and to find someone who will be able to put in the hours for something like this right away is a tall order. We need to be sure that whomever the Board of Selectmen appoints can make this commitment. Selectman Firenze expressed his opinion that the people who have the kind of experience wanted may not be able to put in the time to meet for hours every week. Chairman Solomon and Selectman Brownberger did not agree. Selectman Firenze said the learning curve will be steep to expect someone to jump right in.

Chairman Solomon expressed his preference for a new member who, like others already on the Board, sees the big picture, someone who has vision and thinks globally.

The Board discussed what background it would like in an applicant and noted Ms. Emello is a lawyer and that will leave one lawyer remaining on the board.

Selectman Firenze stated his preference in someone with hands-on experience with the kinds of issues the board is dealing with. We do not have someone on the Board now like this, such as a real estate developer. We have an attorney with real estate experience, a traffic specialist, a public planner, and someone with administrative skills.

Selectman Brownsberger said that he likes the idea of someone with development/building experience on the Board.

Selectman Firenze noted that this is a board where all points of view will have to be heard and examined.

The Board discussed a number of particular individuals who might be good possibilities. It was noted that the Planning Board is meeting tomorrow evening. Selectman Firenze expressed an interest in attending the meeting and discussing qualifications and time commitments with them. The other members of the Board felt it would be best if Selectman Firenze would represent only himself in doing so and then inform them of what has been discussed. The Selectmen will then each come up with candidates and discuss them at the next meeting.

*Town Administrator's Report*

Mr. Younger reported on various items. He stated we will be getting \$3.75 million from NESWC for the stabilization fund to cap the incinerator site. The central fire station RFP is in Mr. Younger's hands and will go to the appropriate boards and committees for comment on February 9 and will be put on the web for the public to see. The financial software RFR draft will soon be on his desk and off to the ITAC and other appropriate bodies for comment. Mr. Younger is meeting with the police department next week on traffic enforcement.

Mr. Younger noted that department heads have been informed that comments on the Uplands 40B proposal have to be back to the ZBA by February 9. It has been emphasized that any concerns must be specific and detailed. The Board agreed that its hierarchy of preference for the site has always been: preservation of the land, followed by commercial development, and housing last. We would like to see the property become more accessible from Belmont, perhaps with a footpath/bikepath with a bridge over the Little River in an environmentally and wildlife friendly way.

The Board agreed it would like to see the number of units or the total population housed reduced if the project is to go forward.

Mr. Younger reported that a \$10,000 grant has been received from Mass Housing Partnership to hire a consultant to oversee the 40B review process, thanks to Planning Director Jay Szklut's work. Selectman Firenze asked if we could look at any other legislation such as 40R or 40S that could help mitigate the financial impact of the development on the town.

Mr. Younger reported that Mr. Szklut thinks he may be able to get some community development money from the state for an elevator in our senior housing.

Mr. Younger concluded his report by noting that the Treasurer will now be accepting MasterCard in addition to American Express and Discover to pay residents' taxes. An automatic deduction can also be set up from one's bank account.

## **Other**

There was a brief discussion of the state of compliance with the rules for snow removal by businesses in the light of concerns received from residents.

The Board re-iterated its desire for the Town Administrator to comment on the items in the weekly update to indicate what needs the Board's action and what has been forwarded to other departments.

The Board discussed the status of the Athletic Fields Study Committee, which is a temporary committee that has not met in some time and whether it should be disbanded if there is no work currently for the committee to do.

The Board discussed a business owner interested in opening a wine and cheese shop in Town which would need action by Town Meeting and the state. The Board agreed to invite the owner to meet with the Board to discuss her desire to put something on the April Town Meeting warrant.

There was discussion of increased property tax burden being borne by owner-occupied two-family houses. This disproportionately affects some lower-income residents.

The Board asked the Town Administrator to meet the request of the town of Kingston to petition our legislators and the Governor to fully uncap the lottery and send a copy of our petition to Kingston.

The Board adjourned at 10:04 PM.

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Thomas G. Younger  
Town Administrator